

TESTIMONY: HHS APPROPRIATIONS SUB-COMMITTEE
CHARLIE BRIGGS, ADMINISTRATOR
MONTANA ASSOCIATION OF COMMUNITY DISABILITY SERVICES
JANUARY 18, 2007

Dear Madame Chair and Members of the Committee:

I am Charlie Briggs, here representing the Montana Association of Community Disability Services, an organization of 30-some community non-profit corporations that provide services to children and adults with developmental disabilities throughout the state. The association members are committed to providing services in community that support individual choice, with flexibility and responsiveness to essential human needs. Our members strive to support and assist people with disabilities to achieve full, productive and independent lives. We also seek to ensure that those providing services are strong, viable community businesses providing high-quality services.

We could not ask for a legislative committee better aware of why the State undertook a rate redesign – as you were the ones who asked for a measure of caution in the implementation of such a dramatic overhaul of the payment system and wrote into HB-2 last session that it be phased in over four years in order to minimize potential risks to quality of care and to the provider organizations. You understood that we had to get this right, as it has profound implications for many of our most vulnerable and even fragile citizens.

There have been difficulties and problems and you will likely hear of that in some testimony today. It has not been smooth sailing. Now that virtually half of the state is within some version of the new rate system, concerns have been thoughtfully identified to the DDP and there is now a joint rate issues work group composed of DDP staff and provider representatives from all five regions. This group has begun meeting with a purpose to (1) understand together the problems encountered, and (2) find common solutions that can be recommended to the DD Rate Advisory Committee of which your committee chair is a member, as she mentioned yesterday. We are committed to finding workable solutions, recognizing the work group will likely need to continue for up to two years.

One of the biggest challenges nearly every provider faces and is only growing is that of staff turnover and sometimes extended vacancy. You will hear testimony about this issue.

You have had some explanation of the rate "rebasing" process both by the division staff yesterday and from Fiscal Analyst Marilyn Daumiller's excellent analysis of the Governor's Budget. You know that last winter for the first time ever the Central Office endeavored to accurately assess the current cost of doing business. The DDP's data findings were significant. One point both parties

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agree upon is the paramount importance of ensuring there is funding sufficient to both under-gird and sustain the service infrastructure – even before earmarking funds to address the waiting list (please see issues described by Marilyn on B-137 and -138). We commend not only the Division but the Department, its Director Joan Miles, and its Deputy Director John Chappuis, for concluding in their EPP recommendation to the Budget Office not only that there should be a \$30 million increase (\$13.2 million state share) to the community service system in the next biennium, but that it ranked sixth in overall priority for new proposals.

We are grateful that the Governor's Budget provided an \$18 million increase (\$7.3 million state). However, the data and its conclusions will substantiate it is not nearly enough (I remind you of Mr. Bugni's comment yesterday that the funding increase to bring direct care wages to the 35th percentile given in the last session has now eroded – through a loss of "buying power" – to the *eighth* percentile). The data backs up the argument that the system has languished from under-funding for years. I must, therefore, emphasize we seek at a minimum the full funding request of the \$30 million increase in the 2009 Biennium, not the lesser amount proposed in the Governor's Budget.

You will receive testimony from consumers, from family members – parents of infants and parents of adult children – from providers and some of their board members – and system advocates. I hope you learn much from their stories and their passion.

Finally, I want to raise a matter that has been of concern to a great many people – members of both the legislative and executive branches: that of the lawsuit filed in 2002 by our association. I'm sure you noted it referenced in the LFA report. I am prepared to announce that as of late yesterday attorneys from both the state and the providers have developed stipulation language, with tentative approval of both parties, which we expect will conclude the litigation. Minor details still need to be worked out, including the specifics to bring closure. However, I am advised that I can safely announce both parties should be able to put this matter behind them and that it not be an impediment to your deliberations, or our working relationship with the State. This is all we are prepared to say at this time.

Thank you for your indulgence, Madam Chair.

Along with a copy of my testimony, allow me to distribute a brief fact sheet about people and services in the developmental disability system as of July 2006.